IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.988 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's Orders

Shri D.R.More, APP for the State.

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the State impugning the judgment and order passed by the Chief Judicial Magistrate, Kolhapur on 15/4/2004 acquitting the accused for the offences punishable under section 7(i) read with section 2(ia)(a) 2(ia)(b) punishable under section 16(1)(a)(ii) of Prevention of Food Adulteration Act, 1954 Rules. On perusal of the impugned judgment and order, it is found that the same has been passed on cogent and acceptable reasons. The Complainant has taken a stand that

there was no specific standard prescribed under the act for the water pepsi which was the seized food and that the colour found in the beverage was permitted and allowed. Public Analyst's report disclosed some micro organisms but the complainant did not know whether these organisms were gram positive or gram negative or what were the bands under which such organisms were permitted. Public Analyst has not been examined by the prosecution. Bottles in which samples were taken were not sterilised and procedure of Rule 14 were not followed. Due to such and several other violations, the Court has acquitted the accused. The view taken is a possible view. In the circumstances, leave is refused and consequently, the appeal stands dismissed.

(R.S.Mohite, J.)